

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

THE ESTATE OF LORETTE JOLLES
SHEFNER, Plaintiff

SUMMONS IN A CIVIL ACTION

V.

MAURICE TUCHMAN, ESTI DUNOW,
the GALERIE CAZEAU-BÉRAUDIÈRE,
the NATIONAL GALLERY OF ART,
LONTREL TRADING, and JOHN DOES 1-10,
Defendants.

CASE NUMBER:

08 CIV 4443

JUDGE SWAIN

TO: (Name and address of Defendant)

Maurice Tuchman
200 East 69th Street
Apartment No. 17B
New York, New York 10021

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ALSTON & BIRD LLP
Karl Geercken, Esq.
F. Paul Greene, Esq.
90 Park Avenue
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAY 12 2008

CLERK

Jessica Doss

(By) DEPUTY CLERK

DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE ESTATE OF LORETTE JOLLES SHEFNER,
et al. Plaintiff(s),

JUDGE SWAIN
Index No. 08 CIV. 4443

-against-

AFFIDAVIT OF SERVICE

MAURICE TUCHMAN, ESTI DUNOW, the
GALERIE CAZEAU-BERAUDIERE, the NATIONAL
GALLERY OF ART, LONTREL TRADING,
and JOHN DOES 1-10,
Defendant(s).

-----X
STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

DARRYL A. GREEN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 13th day of May 2008, at approximately 3:27 p.m., deponent attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT JURY TRIAL DEMANDED, INDIVIDUAL PRACTICES OF JUDGE LAURA TAYLOR SWAIN, 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON** upon Maurice Tuchman at 200 East 69th Street, Apt. 17B, New York, NY 10021. No answer was received when the doorman called the apartment.

That on the 14th day of May 2008, at approximately 8:45 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT JURY TRIAL DEMANDED, INDIVIDUAL PRACTICES OF JUDGE LAURA TAYLOR SWAIN, 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON** upon Maurice Tuchman at 200 East 69th Street, Apt. 17B, New York, NY 10021, again no answer was received when the doorman called the apartment.

That on the 15th day of May 2008, at approximately 7:03 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT JURY TRIAL DEMANDED, INDIVIDUAL PRACTICES OF JUDGE LAURA TAYLOR SWAIN, 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON** upon Maurice Tuchman at 200 East 69th Street, Apt. 17B, New York, NY 10021, again no answer was received when the doorman called the apartment.

That on the 17th day of May 2008, at approximately 8:05 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT JURY TRIAL DEMANDED, INDIVIDUAL PRACTICES OF JUDGE LAURA TAYLOR SWAIN, 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON** upon Maurice Tuchman at 200 East 69th Street, Apt. 17B, New York, NY 10021. The doorman called the apartment Mr. Tuchman answered, but he refused to accept the service. Mr. Tuchman told the doorman to accept service on his behalf.

At that time, therefore, deponent served a true copy of the aforementioned papers upon Maurice Tuchman by personally delivering and leaving the same with Mr. Santiago, the doorman, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked if Maurice Tuchman is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Mr. Santiago is a Hispanic male, approximately 60 years of age, stands approximately 5 feet 8 inches tall and weighs approximately 175 pounds with gray hair and brown eyes.

That on the 19th day of May 2008, deponent served another true copy of the foregoing upon Maurice Tuchman at 200 East 69th Street, Apt. 17B, New York, NY 10021, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid envelope with the words "PERSONAL AND CONFIDENTIAL" written on the same

envelope, and not indicating on the outside that is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.



DARRYL A. GREEN #0866535

Sworn to before me this
20th day of May 2008



NOTARY PUBLIC

JONATHAN T. RIPPS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01RI6109718
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MAY 17, 2012